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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2009 AUG 21 AM 8:42 ✓

CLERK

BY: N. Seguin

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

CR 2008-1339

Plaintiff,

Division 6

v.

STEVEN CARROLL DEMOCKER,

STATE'S MOTION AND ORDER FOR  
RELEASE OF VICTIM'S MEDICAL  
RECORDS

Defendant.

The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and her deputy undersigned, hereby requests this Court to order the release of any and all medical records of the victim, Virginia Carol Kennedy, date of birth, July, 25, 1954, from Yavapai Regional Medical Center (YRMC) for any and all procedures performed after Ms. Kennedy's death on July 2, 2008.

The victim's body was taken to YRMC for x-rays after she was found murdered in her home, the victim of blunt-force trauma. The State needs the victim's medical records to prosecute this matter. Based upon the Estate's refusal to assist the State in obtaining other records material to this case, the State looks to the Court to order the release of these critical documents.

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1 Accordingly, the State requests that this Court order the release of the victim's  
2 medical records pursuant to *Benton v. Superior Court*, 182 Ariz. 466, 897 P.2d 1352 (App.  
3 1994). As noted by the Court of Appeals in *Benton*, "Nothing in the constitution or statutes  
4 indicates that a victim can impede a criminal prosecution by refusing to release medical  
5 records necessary for the prosecution of a defendant." 182 Ariz. at 468, 897 P.2d 1352 at  
6 1354.  
7

8 RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of August, 2009.

9 **Sheila Sullivan Polk**  
10 **YAVAPAI COUNTY ATTORNEY**

11  
12 By: 

13 **Joseph C. Butler**  
14 Deputy County Attorney  
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COPIES of the foregoing delivered this  
21st day of August, 2009 to:

Honorable Thomas J. Lindberg  
Division 6  
Yavapai County Superior Court  
(via email)

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